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Mail Stop Patent Application
Commissioner for Patents
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By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	Confirmation No.
Applicant	Dale B. Schenk
Filed	February 27, 2004
TC/A.U.	1600/1647
Examiner	Sharon L. Turner
Docket No.	15270J-004746US
Customer No.	20350

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, Anina D. Murphy, agent of record authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated RB44-10D5.19.21 producing the antibody 10D5 described at *e.g.*, paragraph no. 269 of the above-captioned application, was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5129. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard,

Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

2. The antibody 10D5, produced by the cell line identified in paragraph no. 1 is described in paragraph no. 270, Table 6, and paragraph no. 312 of the above-captioned application, and is also described at *e.g.*, p. 58, line 6 of U.S. Application No. 09/201,430, filed November 30, 1998; and, at p. 32, line 23 of U.S. Application No. 60/080,970, filed April 7, 1998. The above-captioned application is a continuation of U.S. Application No. 09/322,289, filed May 28, 1999, which is a continuation-in-part of U.S. Application No. 09/201,430, filed November 30, 1998 which claims the benefit under 35 U.S.C. 119(e) of U.S. Application No. 60/080,970, filed April 7, 1998, and U.S. Application 60/067,740, filed December 2, 1997, which are incorporated by reference in their entirety for all purposes.

3. The cell line designated RB96 3D6.32.2.4 producing the antibody 3D6 described in paragraph no. 354 of the above-captioned application was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5130. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

4. The antibody 3D6, produced by the cell line identified in paragraph 3, is described in paragraph no. 354, and paragraph no. 355 of the above-captioned application, and is also described at *e.g.*, p. 77, lines 3-4 of U.S. Application No. 09/201,430, filed November 30, 1998; and, at p. 27, lines 10-11 of U.S. Application No. 60/080,970, filed April 7, 1998. The above-captioned application is a continuation of U.S. Application No. 09/322,289, filed May 28, 1999, which is a continuation-in-part of U.S. Application No. 09/201,430, filed November 30, 1998 which claims the benefit under 35 U.S.C. 119(e) of U.S. Application No. 60/080,970, filed April 7, 1998, and U.S. Application 60/067,740, filed December 2, 1997, which are incorporated by reference in their entirety for all purposes.

5. The cell lines identified in paragraphs 1 and 3 above will be maintained at the ATCC and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC,

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for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

6. All restrictions, on the availability to the public of the cell lines identified in paragraphs 1 and 3 above will be irrevocably removed upon the issuance of a patent from the above-captioned application.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 27, 2004



Anina D. Murphy, Reg. No. 51,049

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